



Docket No.: 246009US90

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 10/722,601

Applicants: Masahiro MOTOMIYA, et al.

Filing Date: November 28, 2003

For: ELECTRICALLY RETRACTABLE OUTER MIRROR

Group Art Unit: 2872

Examiner: SHAFER, R.

SIR:

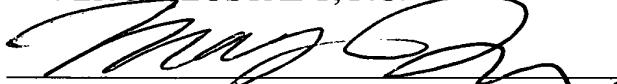
Attached hereto for filing are the following papers:

PROVISIONAL ELECTION OF SPECIES

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


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DOCKET NO: 246009US90



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

MASAHIRO MOTOMIYA, ET AL. : EXAMINER: SHAFER, R.

SERIAL NO: 10/722,601 :

FILED: NOVEMBER 28, 2003 : GROUP ART UNIT: 2872

FOR: ELECTRICALLY RETRACTABLE
OUTER MIRROR :

PROVISIONAL ELECTION OF SPECIES

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species Requirement stated in the Official Action dated September 7, 2005, Applicants provisionally elect the species (2), and identify Claims 1-3, 5-9, 12 and 13, as readable on the elected species.

Applicants respectfully traverse the outstanding election requirement for the following reason.

MPEP §803 states the following:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present application would appear to be part of an overlapping search area. Applicants therefore respectfully submit that there is no undue burden on the Examiner to search all the claims under MPEP §803, and traverses the Election of Species Requirement

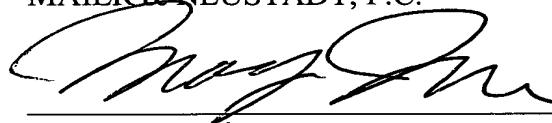
Application No. 10/722,601
Reply to Office Action of September 7, 2005
Provisional Election of Species

on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Accordingly, it is respectfully requested that the requirement to elect a single disclosed species be withdrawn, and that a full examination on the merits be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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